

### REMARKS

In response to the non-final Office Action of April 20, 2007, applicants ask that all claims be allowed in view of the amendment to the claims and the following remarks. Claims 1-39 are pending, of which claims 1, 29, and 30 are independent.

#### **Claim Rejections Under 35 U.S.C. § 101**

Claims 1-3, 5-18, and 20-30 have been rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. In particular, the Office Action indicates that “the claim[s] do[] not produce a useful, concrete, and tangible result.” Office Action of April 20, 2007 at page 2, lines 8-9.

Applicants acknowledge that the Office requires that method or process claims produce a useful, concrete, and tangible result. See, e.g., “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility” available online at [http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101\\_20051026.pdf](http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf). However, as articulated, this requirement is limited to “method or process claims.” It does not extend to other statutory classes of claims beyond method or process claims. As such, applicants submit that independent claims 29 and 30, which are directed to an apparatus and a system respectively, are directed to statutory subject matter and are not subject to a requirement of producing a useful, concrete, and tangible result. Moreover, applicants submit that independent claim 29 recites an apparatus that is useful, concrete, and tangible and that independent claim 30 recites a system that is useful, concrete, and tangible.

Applicants traverse this rejection with respect to previously presented claims 1-3, 5-18, and 20-28, but note that independent claim 1 has been amended. Therefore, applicants address this rejection with respect to currently amended independent claim 1. Applicants submit that independent claim 1 recites a result that is useful, concrete, and tangible. For example, independent claim 1 recites a result that is both concrete and tangible because independent claim 1 recites, among other features, creating a group of contacts and independent claim 1 recites a result that is useful because independent claim 1 recites, among other features, enabling a

member to send communications to the group of contacts using any one of multiple different applications by addressing communications that are to be sent to the group of contacts using any one of the different applications to a unique identifier by which the group is represented. Accordingly, for at least the foregoing reasons, applicants request reconsideration and withdrawal of the rejection of independent claim 1 and its dependent claims, claims 2, 3, 5-18, and 20-28.

Claim 29 has been rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. In particular, the Office Action contends that independent claim 29 may include a “modulated data signal,” which allegedly is not statutory subject matter. See, e.g., Office Action of April 20, 2007 at page 2, lines 10-13. Applicants disagree. Nevertheless, without conceding the propriety of this rejection, but rather to advance prosecution, applicants have amended independent claim 29 to recite “a tangible computer readable medium having instructions stored thereon . . . .” Accordingly, for at least this reason, applicants request reconsideration and withdrawal of the rejection of independent claim 29.

#### **Claim Rejections Under 35 U.S.C. § 103(a)**

Independent claims 1, 29, and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,247,043 (Bates) in view of U.S. Patent No. 6,678,719 (Stimmel). Applicants have amended claims 1, 29, and 30 and thus request reconsideration and withdrawal of the rejection of independent claims 1, 29, and 30 because none of Bates, Stimmel, or any proper combination of Bates and Stimmel describes or suggests all of the features recited in amended independent claims 1, 29, and 30, as described more fully below.

As amended, independent claim 1 recites a method for enabling management of contacts that includes, among other features, enabling a member to send communications to a group of contacts using any one of multiple different applications by using a specific identifier by which the group is represented to address communications that are to be sent to the group of contacts. The Office Action acknowledges that Bates fails to describe or suggest multiple applications. See Office Action of April 20, 2007 at page 3, line 17 (“Bates fails to disclose multiple

applications.”). As such, it is undisputed that Bates fails to describe or suggest enabling a member to send communications to a group of contacts using any one of multiple different applications by using a specific identifier by which the group is represented to address communications that are to be sent to the group of contacts, as recited in amended independent claim 1.

Notably, the Office Action introduces Stimmel as disclosing the concept of enabling a member “to address communications sent from multiple applications to a single contact presented by the unique identifier (i.e. email, telephone, Instant chat, Stimmel, Fig. 3A, and col. 3, lines 61- col. 4, lines 2).” Office Action of April 20, 2007 at page 3, lines 18-20. However, like Bates, Stimmel fails to describe or suggest enabling a member to send communications to a group of contacts using any one of multiple different applications by using a specific identifier by which the group is represented to address communications that are to be sent to the group of contacts, as recited in amended independent claim 1.

Stimmel describes a virtual workplace intercommunication tool that enables a user to determine the status of another user and to identify appropriate communications mechanisms for contacting the other user based on the other user's determined status. See Stimmel at Abstract. For example, as described in the portion of Stimmel applied by the Office Action:

[The system] 10 is configured such that each user connected to Internet 16 can self assign a status. For example, if a user is working and does not want to be disturbed then the user can self assign the status of “Do not disturb”. If the user does not care about being interrupted then the user can self assign the status of “Available”. Along with assigning a status of “Available” the user enters information in a communication window listing the communication methods that can be used for contacting the user. For example, if the user has a status of “Available” then the user can enter into a communication window the following communication methods for contacting the user: email, telephone, facsimile, instant chat, and video conferencing. The user may enter information associated with each communication method. For example, the user may associate an email address with the email communication, a telephone number with the telephone communication method, and the like.

Stimmel at col. 3, line 53 to col. 4, line 2 (emphasis added). After a user has self-assigned a status and specified appropriate communications mechanisms for contacting the user, the user's name and the user's self-assigned status may be presented to other users in an information block within a graphical user interface. See, e.g., Stimmel at col. 3, lines 32-38; and FIG. 2.

Thereafter, the other users can identify appropriate communications mechanisms for contacting the user by selecting the information block corresponding to the user from within the graphical user interface. See, e.g., Stimmel at col. 4, lines 3-16; and FIGS 3A-3D. For example, as described by Stimmel:

FIG. 3A illustrates a communication window 36 appearing in a user's desktop upon the user selecting information block 34 associated with the user John in user list window 32. Communication window 36 includes the selected user's name 38, the status of the selected user 40, and communications actions 42 that are available for contacting the selected user. As mentioned above, John is available and the communication methods for contacting John include email, telephone, facsimile, instant chat, and video conferencing.

Stimmel at col. 4, lines 5-14.

After the communication window corresponding to the selected user has been presented to another user, the other user can establish communications with the selected user using one of the appropriate communications mechanisms for contacting the user by selecting a particular communications mechanism for contacting the selected user. See, e.g., Stimmel at col. 4, lines 16-38; and FIGS 3A-3D. For example, as described by Stimmel:

System 10 may be configured to establish communication between the user and John depending upon the selected communication method. For instance, if the user selects the communication method of email or instant chat then system 10 establishes an email or instant chat connection between the user and John. Similarly, if the user selects telephone or facsimile then system 10 establishes a telephone or facsimile connection between the user and John.

... System 10 may also be configured such that upon selecting a communication methods [sic] the appropriate communication information is displayed on the user's desktop. For instance, if the user selects email then John's email address is displayed for the

user or if the user selects telephone then John's telephone number is displayed for the user.

Stimmel at col. 4, lines 16-38.

Thus, as made clear by the above discussion, Stimmel describes that a potential communication recipient specifies appropriate communications mechanisms for contacting the potential communication recipient as well as distinct addresses for contacting the potential communication recipient via each of the specified appropriate communications mechanisms for contacting the potential communication recipient (e.g., email address for an email communication method and a telephone number for a telephone communication method). Subsequently, a menu of the appropriate communications mechanisms for contacting the potential message recipient may be presented to a potential communication sender and the potential communication sender may be enabled to send a communication to the user using a particular one of the appropriate communications mechanisms by selecting a particular communications mechanism from the menu. Upon selection of a particular communications mechanism from the menu, communications may be established between the potential communication sender and the potential communication recipient using the selected communications mechanism by addressing communications from the potential communication sender to the distinct address specified by the potential communication recipient for the selected communications mechanism. For example, if the potential communication sender selects e-mail as the communications mechanism for communicating with the potential message recipient, the potential communication sender is made able to send an e-mail to the potential message recipient by addressing the e-mail to the e-mail address specified by the potential message recipient, whereas, if the potential communication sender selects telephone as the communications mechanism for communicating with the potential message recipient, the potential communication sender is made able to establish telephone communications with the potential communication recipient by addressing a telephone call to the potential communication recipient's telephone number.

As such, Stimmel contemplates sending communications to a user using any one of multiple different communications applications by selecting a particular communications

mechanism and/or by addressing a communication to be sent to the user using a particular communications mechanism to a distinct address specified by the user for the particular communications mechanism. Therefore, Stimmel does not describe or suggest enabling a member to send communications to a group of contacts using any one of multiple different applications by using a specific identifier by which the group is represented to address communications that are to be sent to the group of contacts, as recited in amended independent claim 1.

Accordingly, for at least the foregoing reasons, applicants request reconsideration and withdrawal of the rejection of independent claim 1. As amended, independent claims 29 and 30 recite features similar to those discussed above in connection with independent claim 1, and do so in the context of an apparatus (claim 29) and a system (claim 30). Accordingly, for at least the reasons discussed above in connection with independent claim 1, applicants request reconsideration and withdrawal of the rejection of independent claims 29 and 30.

Dependent claims 2-28, each of which depends from independent claim 1, have been rejected under 35 U.S.C. over various combinations of Bates, Stimmel, U.S. Patent No. 6,134,582 (Kennedy), U.S. Patent No. 7,096,009 (Mousseau), and U.S. Patent No. 7,032,007 (Fellenstein). However, none of Kennedy, Mousseau, or Fellenstein cures the deficiencies in Bates and Stimmel noted above. Accordingly, because of their dependencies and at least for the reasons discussed above in connection with independent claim 1, applicants request reconsideration and withdrawal of the rejection of dependent claims 2-28.

### **New Claims**

New claims 31-39 each depend from one of independent claims 1, 29, and 30. Therefore, applicants submit that new claims 31-39 are allowable over the prior art of record because of their dependencies and at least for the reasons discussed above in connection with independent claims 1, 29, and 30.

## Conclusion

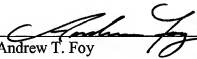
Applicants submit that all claims are in condition for allowance.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The fee in the amount of \$570 in payment of the Petition for Extension of Time fee (\$120) and the Excess Claims fee (\$450) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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